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SERVICE DATE - APRIL 11, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42073

NEWELL WINDOW FURNISHINGS, INC., AND NEWELL RUBBERMAID, INC.

v.

UNITED PARCEL SERVICE, INC., AN OHIO CORPORATION, AND UNITED PARCEL  
SERVICE, INC., A NEW YORK CORPORATION

Decided: April 10, 2003

In a decision served on March 26, 2003, the Board discontinued this proceeding and dismissed the petition for declaratory order without prejudice. In a motion filed on April 4, 2003, the parties jointly request that the petition for declaratory order be dismissed with prejudice. The parties have entered into a settlement agreement before the United States District Court for the Northern District of Georgia and, pursuant to that settlement, have agreed to dismiss all claims in the petition for declaratory order filed with the Board. Accordingly, the Board will grant the parties' request and dismiss the declaratory order proceeding with prejudice.

It is ordered:

1. The motion to dismiss the petition for declaratory order with prejudice is granted.
2. This decision is effective on the date of service.
3. A copy of this decision will be served on: G. Ernest Tidwell, Senior Judge, United States District Court, 1967 Richard B. Russell Federal Building & United States Courthouse, 75 Spring Street, S.W., Atlanta, GA 30303-3809.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary